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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/592,028	09/07/2006	Jeong-Min Lee	L69.12-0006	9384

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MINNEAPOLIS, MN 55402-3244

EXAMINER
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ALLEN, JEFFREY R

ART UNIT	PAPER NUMBER
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4137

MAIL DATE	DELIVERY MODE
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12/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/592,028	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> JEFFREY ALLEN	<b>Art Unit</b> 4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/28/2007, 1/5/2007</u> .                                     | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 9 refers to a top; this feature does not appear in the specification.

2. The disclosure is objected to because of the following informalities: applicant refers to feature 300 as a falling chamber (page 6, line 9) and also as a falling space (page 7, lines 17-18) only one name should be used.

Appropriate correction is required.

### ***Claim Objections***

3. Claims 5-9 objected to because of the following informalities: the term “the exhausting portion” (claim 5 line 5, and claim 7 line 5) lacks antecedent basis.

Appropriate correction is required.

4. Claims 10-14 objected to because of the following informalities: the term “the cap assembly” (claim 10, ll. 1) lacks antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,203,517 to Hildebrandt et al. (Hildebrandt).

Hildebrandt teaches:

In Reference to Claim 1

a cap assembly that can be associated with a container storing a primary material (Fig. 1), the cap assembly comprising a lid (5) fixed on a top of the container and having an exhausting portion (8) projected upward; a cap main body (13) detachably coupled to the exhausting portion of the lid and having a storage tube (16) extending downward to define a storage chamber for storing a secondary material; and an inner cap body (29) detachably coupled to the storage tube.

In Reference to Claim 2

The cap assembly of claim 1 (see rejection of claim 1 above), wherein the exhausting portion tightly contacts an outer surface of the storage tube and has a seal step (12) for selectively separating the inner cap body.

In Reference to Claim 3

The cap assembly of claim 2 (see rejection of claim 2 above), wherein the seal step is projected inward (Fig. 2).

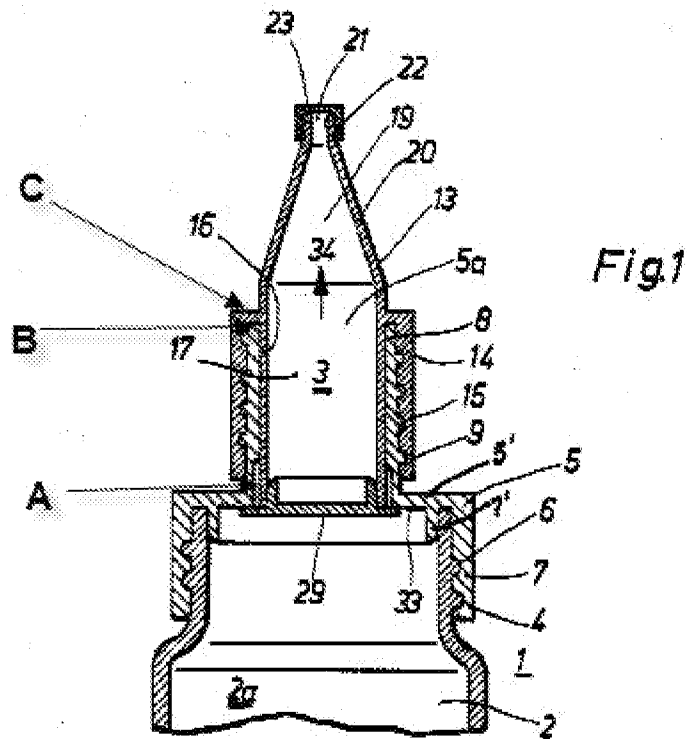
In Reference to Claim 4

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The cap assembly of claim 1 (see rejection of claim 1 above), wherein a top surface of the container and a lower surface of the lid are provided with respective attaching surfaces (4 and 6) attached to each other.

In Reference to Claim 5

A cap assembly that can be associated with a container storing a primary material (Fig. 1), the cap assembly comprising a lid (5) fixed on a top of the container and having a falling space (A, Fig. 1 below labeled by examiner) and an inner cap body (29) extending from the falling space; and a cap main body (13) detachably coupled to the exhausting portion (8) of the lid and having a storage tube (16) extending downward to define a storage chamber for storing a secondary material, a lower end of the storage chamber being closed by the inner cap body.



In Reference to Claim 6

A cap assembly of claim 5 (see rejection of claim 5 above), wherein the inner cap body is a separated member from the falling space.

In Reference to Claim 7

A cap assembly that can be associated with a container storing a primary material (Fig. 1), the cap assembly comprising a lid (5) fixed on a top of the container and having a falling space (A) and an inner cap body (29) extending from the falling space; a cap main body (13) detachably coupled to the exhausting portion (8) of the lid and having a storage tube (16) extending downward to define a storage chamber for storing a secondary material, a lower end of the storage chamber being closed by the inner cap body; a cap body

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detachably coupled to the exhausting portion; a storage member function as a straw (20), the storage member being slidably inserted in the cap body to define storage chamber storing a secondary material and being closed by the inner cap body; and an outer cap body detachably coupled to the exhausting portion, the storage member being coupled in the outer cap body.

In Reference to Claim 8

The cap assembly of claim 7 (see rejection of claim 7 above), wherein the cap body is provided at an inner portion with a hooking step (B, Fig. 1 above labeled by examiner) and the storage member is provided with a stopper (C, Fig. 1 above labeled by examiner) that is to be hooked on the hooking step.

In Reference to Claim 9

The cap assembly of claim 7 (see rejection of claim 7 above), wherein the storage member has a top (23) detachably coupled on an inner surface of the outer cap body (the wall of 13 is coupled on an inner surface of the outer cap so the top is indirectly coupled).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10-12 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0020636 to Bergamini et al.

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(Bergamini) in view of U.S. Patent Application Publication No. 2003/0213709 to Gibler et al. (Gibler).

In Reference to Claim 10

Bergamini teaches a cap assembly that can be associated with a container storing a primary material (Fig. 4), the cap assembly comprising a lid (14) fixed on a top of the container (12) and provided with an exhausting portion (82) and a cutting plate (62); a cap body (19) detachably coupled to the exhausting portion; a storage member (16) functioning as a straw, the storage member being slidably inserted in the cap body and defining a storage chamber sealed by the cutting plate and the exhausting portion; and an outer cap body (18) detachably coupled to the cap body and provided with an inner coupling portion that is screw-coupled (56). Bergamini fails to teach wherein the outer cap body is attached to an inner surface of the storage member.

Gibler teaches that it is known in the art to manufacture a cap for a container wherein an outer cap body is attached to the inner surface of a storage member (Fig. 5, the storage member is threaded on its inner wall)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the top of the outer cap of Bergamini to be threaded into the storage member (at feature 72 in Bergamini), as taught by Gibler, in order to further secure the cap on the container so that that contents do not leak out.

In Reference to Claim 11



The modified cap of Bergamini teaches the cap assembly of claim 10 (see rejection of claim 10 above), wherein the storage member is screw-coupled to an upper inner surface to descend when the outer cap ascends (Fig. 4, the storage member is fit together with the exhausting portion and lid thereby making it screw coupled to an upper inner surface. When the outer cap is screwed up the storage member will descend in relation to the outer cap.)

In Reference to Claim 12

The modified cap of Bergamini teaches the cap assembly of claim 10 (see rejection of claim 10 above), wherein the storage member has a pointed extreme end (Fig. 4).

In Reference to Claim 14

The modified cap of Bergamini teaches the cap assembly of claim 10 (see rejection of claim 10 above), wherein the cutting plate has a cutting line at its edge portion (64).

9. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Bergamini in view of Gibler and further in view of U.S. Patent No. 5,372,267 to Hofmann (Hofmann).

The modified cap of Bergamini teaches the cap assembly of claim 10 (see rejection of claim 10 above), but fails to teach wherein the storage member is coupled to a key groove formed on an inner surface of the exhausting portion of the lid.

Hofmann teaches that it is known in the art to manufacture a cap for a container wherein there is a key groove (258) to guide the cap movement.

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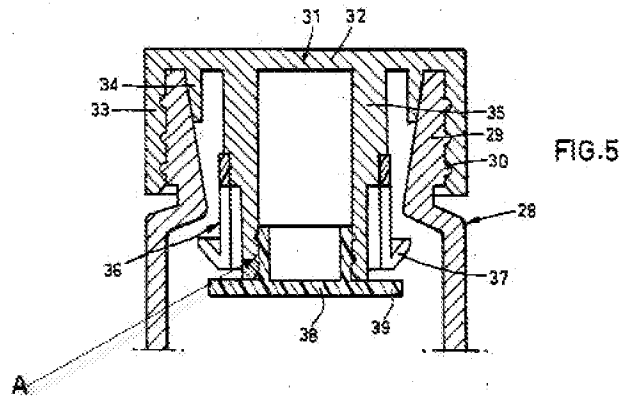
It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the modified cap of Bergamini with a key groove on the inner surface of the exhausting portion, as taught by Hofmann, in order to aid in guiding the storage portion, making it easier to open and close.

10. Claims 15-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Hildebrandt in view U.S. Patent No. 4,386,696 to Goncalves (Goncalves).

In Reference to Claim 15

Hildebrandt teaches a cap assembly that can be associated with a container storing a primary material (Fig. 1), the cap assembly comprising a lid (5) fixed on a top of the container and provided with an exhausting portion (8); a cap body (13) detachably coupled to the exhausting portion and having a storage tube (16) extending downward to define a storage chamber for storing a secondary material; and an inner cap (29) detachably coupled to the lower portion of the storage tube. Hildebrandt fails to teach a plurality of exhausting pieces extending from a lower portion of the exhausting portion.

Goncalves teaches that it is known in the art to manufacture a cap with storage space wherein the exhausting portion has a plurality of exhausting pieces (A, Fig. 5 below labeled by examiner) extending from it.



It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the exhausting portion of the cap of Hildebrandt with exhausting pieces, as taught by Goncalves, in order to ensure the inner cap was secured to the storage member so that the contents of the container do not mix with each before they are desired to do so.

In Reference to Claim 16

The modified cap of Hildebrandt teaches the cap assembly of claim 15 (see rejection of claim 15 above), wherein the exhausting pieces contact the edge of the inner cap inserted in the lower end of the storage tube (Goncalves, Fig. 5).

In Reference to Claim 17

The modified cap of Hildebrandt teaches the cap assembly of claim 15 (see rejection of claim 15 above), wherein the exhausting pieces have a bending portion inserted between an upper end of the inner cap body and a lower end of the storage tube (Goncalves, Fig. 5, the exhausting pieces bend inward to form

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grooves and the inner cap has outward grooves located between an upper end of the inner cap and a lower end of the storage tube that are inserted with each other).

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY ALLEN whose telephone number is (571)270-7426. The examiner can normally be reached on Monday through Friday 7:30 AM TO 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Bomberg can be reached on (571)272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. A./

Examiner, Art Unit 4137

/Kenneth Bomberg/

Supervisory Patent Examiner, Art Unit 4137